

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

IN RE: NATHANIEL A SMALLCOMBE  
44699 CR 374  
PAW PAW, MI 49079

CASE NO: GK-19-02480  
Chapter 13  
HON. JOHN T GREGG  
Filed: June 06, 2019

Confirmed: October 10, 2019

**TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE**

NOW COMES, Barbara P. Foley, Chapter 13 Trustee ("Trustee") and files her Motion to Dismiss for the following reasons:

FAILURE TO PROVIDE THE TRUSTEE WITH AMENDED SCHEDULES I AND J AND CURRENT PAY DOCUMENTATION WITHIN 45 DAYS OF THE ANNIVERSARY OF THE CONFIRMATION DATE AS REQUIRED BY 11 U.S.C. 521(F)(4)(B). WITHOUT THE ANNUAL BUDGET REVIEW, THE TRUSTEE HAS BEEN UNABLE TO DETERMINE WHETHER DEBTORS ARE COMPLYING WITH THE REQUIREMENT IN PROVISION IV.A. OF THE CONFIRMED PLAN TO PAY ALL DISPOSABLE INCOME TO THE CHAPTER 13 CASE. ONCE PROVIDED WITH UPDATED BUDGET INFORMATION, THE TRUSTEE MAY ASSERT THAT THERE HAS BEEN A MATERIAL DEFAULT WITH RESPECT TO A TERM OF THE CONFIRMED PLAN UNDER 11 U.S.C. 1307(C)(6).

WHEREFORE, your Trustee respectfully prays:

- A. That this Court enter an Order dismissing the Debtor's Chapter 13 Case.
- B. That this Court grant such other relief as it finds just and equitable.
- C. Upon dismissal of the Chapter 13 case, the Trustee has cause pursuant to 11 U.S. C. § 349(b) and may retain any funds on hand for such time as is necessary to accommodate the dishonor or recall period appropriate to the method of payment received.

October 29, 2021

/s/ Barbara P. Foley

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Barbara P. Foley (P34558)  
CHAPTER 13 TRUSTEE  
Po Box 51109  
Kalamazoo, MI 49005  
(269)343-0305

This document has been electronically filed with the Court and the Attorney for Debtor and mailed to the Debtor.

Attorney for Debtor:

JEFFREY D MAPES PLC  
29 PEARL ST NW STE 305  
GRAND RAPIDS, MI 49503

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**NOTICE OF MOTION TO DISMISS**

NOTICE IS HEREBY GIVEN that the Chapter 13 Trustee has filed a Motion to Dismiss in the above captioned proceeding. A copy of said Motion is attached to this Notice.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

The Debtor may file a written objection to the Trustee's Motion to Dismiss with:

Clerk of the Bankruptcy Court  
One Division Avenue N  
Room 200  
Grand Rapids, MI 49503

AND

Barbara P. Foley  
Chapter 13 Trustee  
Po Box 51109  
Kalamazoo, MI 49005  
(269)343-0305

In compliance with Local Bankruptcy Rule 9013(d) and Federal Rules of Bankruptcy Procedure 9013 and 9014, said written objection shall be filed within thirty (30) days from the date of service of the Trustee's Motion. If an objection is filed, a hearing will be held on January 13, 2022 at 9:00 am at the Bankruptcy Court, US Courthouse & Federal Building - Room 114, 410 W. Michigan Ave., Kalamazoo, Michigan. If a proper objection is not timely filed the Trustee may file with the Court an Affidavit of No Response together with a proposed Order to Dismiss. The Court shall enter the Order without a hearing upon receipt of the Affidavit.

Served by: BJH on: 10/29/2021

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IN RE: NATHANIEL A SMALLCOMBE

CASE NO: GK-19-02480  
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HON. JOHN T GREGG  
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**PROOF OF SERVICE**

On the date below, I mailed a copy of the TRUSTEE'S MOTION TO DISMISS by regular first class mail to Debtor and electronic service on Debtor's Attorney .

NATHANIEL A SMALLCOMBE  
44699 CR 374  
PAW PAW, MI 49079

JEFFREY D MAPES PLC  
29 PEARL ST NW STE 305  
GRAND RAPIDS, MI 49503

I declare that the above statements are true to the best of my information , knowledge, and belief.

Dated: October 29, 2021

/s/ Beckie Hadley

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Assistant to Barbara P. Foley  
Chapter 13 Trustee  
PO BOX 51109  
KALAMAZOO, MI 49005  
(269)343-0305